

PARTY WITHOUT ATTORNEY OR ATTORNEY: STATE BAR NO.: NAME: Laura A. Wasser, Esq.(173740) Nan Zirafi, Esq.(193124) FIRM NAME: Wasser, Cooperman & Mandles STREET ADDRESS: 2049 Century Park East, Suite 800 CITY: Los Angeles STATE: CA ZIP CODE: 90067 TELEPHONE NO.: (310) 277-7117 FAX NO.: (310) 553-1793 E-MAIL ADDRESS: ATTORNEY FOR (name): MICHAEL L. FLEISS		FOR COURT USE ONLY <div style="font-size: 1.2em; font-weight: bold;">FILED</div> Superior Court of California County of Los Angeles <div style="font-size: 1.1em;">JUL 16 2019</div> Sherri R. Carter, Executive Officer/Clerk of Court By <u>Maria Rubio</u> , Deputy Maria Rubio
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central		
PETITIONER: MICHAEL L. FLEISS RESPONDENT: LAURA FLEISS OTHER PARENT/PARTY: EX PARTE		
<div style="border: 1px solid black; text-align: center; font-weight: bold; padding: 2px;">RESPONSIVE DECLARATION TO REQUEST FOR ORDER</div> HEARING DATE: July 16, 2019 TIME: 8:30 A.M. DEPARTMENT OR ROOM: 2B		
		CASE NUMBER: 19STFL08172

Read Information Sheet: *Responsive Declaration to Request for Order* (form FL-320-INFO) for more information about this form.

1. ☒ **RESTRAINING ORDER INFORMATION**
 - a. ☒ No domestic violence restraining/protective orders are now in effect between the parties in this case.
 - b. ☐ I agree that one or more domestic violence restraining/ protective orders are now in effect between the parties in this case.

2. ☐ **CHILD CUSTODY**
☐ **VISITATION (PARENTING TIME)**
 - a. ☐ I consent to the order requested for child custody (legal and physical custody)
 - b. ☐ I consent to the order requested for visitation (parenting time).
 - c. ☐ I do not consent to the order requested for ☐ child custody ☐ visitation (parenting time)
☐ but I consent to the following order:

3. ☐ **CHILD SUPPORT**
 - a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) or, if eligible, a current *Financial Statement (Simplified)* (form FL-155) to support my responsive declaration.
 - b. ☐ I consent to the order requested.
 - c. ☐ I consent to guideline support.
 - d. ☐ I do not consent to the order requested ☐ but I consent to the following order:

4. ☐ **SPOUSAL OR DOMESTIC PARTNER SUPPORT**
 - a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) to support my responsive declaration.
 - b. ☐ I consent to the order requested.
 - c. ☐ I do not consent to the order requested ☐ but I consent to the following order:

PETITIONER: **MICHAEL L. FLEISS**
 RESPONDENT: **LAURA FLEISS**
 OTHER PARENT/PARTY:

CASE NUMBER:
19STFL08172

5. ☐ PROPERTY CONTROL

- a. ☐ I consent to the order requested.
 b. ☐ I do not consent to the order requested ☐ but I consent to the following order:

6. ☐ ATTORNEY'S FEES AND COSTS

- a. I have completed and filed a current *Income and Expense Declaration* (form FL-150) to support my responsive declaration.
 b. I have completed and filed with this form a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.
 c. ☐ I consent to the order requested.
 d. ☐ I do not consent to the order requested ☐ but I consent to the following order:

7. ☐ DOMESTIC VIOLENCE ORDER

- a. ☐ I consent to the order requested.
 b. ☐ I do not consent to the order requested ☐ but I consent to the following order:

8. ☒ OTHER ORDERS REQUESTED

- a. ☐ I consent to the order requested.
 b. ☒ I do not consent to the order requested ☒ but I consent to the following order:
Petitioner respectfully requests that the court deny in its entirety Respondent's Ex Parte Domestic Violence Restraining Order, and grant his Request for Orders that (1) Respondent immediately return the minor child to Los Angeles, and (2) that Petitioner have primary custody of the minor child.

9. ☐ TIME FOR SERVICE / TIME UNTIL HEARING

- a. ☐ I consent to the order requested.
 b. ☐ I do not consent to the order requested ☐ but I consent to the following order:

10. ☒ FACTS TO SUPPORT my responsive declaration are listed below. The facts that I write and attach to this form cannot be longer than 10 pages, unless the court gives me permission. ☐ Attachment 10.
Declaration of Michael L. Fleiss

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: **07/15/2019**

MICHAEL L. FLEISS

(TYPE OR PRINT NAME)

▶ **SEE SIGNATURE ON ATTACHED DECLARATION**

(SIGNATURE OF DECLARANT)

07/17/2019

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1 was younger, we had full time nannies and Laura's sisters lived with us for two years to help her
2 with Ben. She needed a great deal of assistance with even basic tasks. Now that Ben is older, things
3 had just started to be easier and I wanted to focus on moving forward. After several months of
4 counseling, we agreed that we would not have another child and Laura told me she had started using
5 the NuvaRing for birth control. On Father's Day, Laura told me that she was eight weeks pregnant.
6 When I questioned her about the birth control she said birth control is not always effective.

7 8. Though I was upset about Laura's lie, I started to get excited about the new baby and
8 our life together. We started talking about when the baby's birthday would be and possible baby
9 names. (A true and correct copy of some text messages on July 1, 2019, and July 2, 2019, are
10 attached hereto and marked as Exhibit "A".)

11 9. I learned on July 3, 2019, that Laura had been lying to me about having a baby and
12 that she was never on birth control. I also learned that she lied to me in order to get pregnant so she
13 could have another baby even though we had agreed not to.

14 10. Laura and I had a discussion on July 3rd where she admitted that she has been lying to
15 me. After our discussion on July 3rd, over the course of a few days, Laura sent me text messages
16 telling me that she was sorry that this happened, admitting the dishonesty, and telling me that she
17 was looking up emotional health rehabilitation facilities to get her the help she needs. She said in
18 part:

- 19 • "I wasn't thinking about anyone but myself. I've never been dishonest to you
20 about anything in my life but this. I swear on Ben. And this is a big one. But
21 I'm pleading with you to please give me and us a chance to work this
22 through."
- 23 • "Please show me mercy. I've made a terrible mistake."
- 24 • "I'm so sorry that I've hurt you so badly by violating your trust. I can't
25 believe I've done this to you and our family. I just can't believe myself."
- 26 • "Please come home."
- 27 • "I'll go to rehab or get the counseling I need."
- 28 • "You are right about a lot of what you said yesterday. I do have a void that I

1 can't fill. I'm damaged. I want to be a better person. I don't want to hurt the
2 people I love and care about most in life. I'll do whatever it takes to make this
3 up to you. If it means going to an in-house rehab facility, I will."

4 • "Mike, I love you so much. I love you more than I've ever loved you.
5 You've shown me true, unconditional love, forgiveness and compassion like
6 I've never known ... I will make this up to you for the rest of my life...the
7 second chance you are giving me is the greatest form of love. From the
8 bottom of my broken, twisted heart, thank you."

9 (A true and correct copy of these messages and others from that period are attached hereto
10 and marked as Exhibit "B".)

11 11. Laura had been on medication to help with some of her emotional issues including the
12 prescription medication, Lexapro. I learned she stopped taking the Lexapro in December 2018 as
13 part of her plan to get pregnant. I observed a change in her behavior at that time, wherein she
14 became more unstable and erratic, but I didn't focus on it as Laura sometimes has mood swings.

15 12. After I learned of her dishonesty about the pregnancy, I was concerned that she was
16 hiding other information from me so I asked if I could see her phone. She consistently refused and
17 began hiding it so that I would not have access to it.

18 LAURA ATTACKS ME ON JULY 6, 2019

19 13. On July 6, 2019, we were upstairs in the guest bedroom of our house in Hawaii. Ben
20 was asleep in the master bedroom. I had told Laura that the only way I could continue in the
21 marriage is if she was honest with me and asked her again to see the phone. I was concerned about
22 whether there were other things she was hiding from like a relationship with another man. I wanted
23 to be sure she was not having an affair and that the baby she was carrying was mine. She would not
24 give the phone to me, so I took it out of her hand. She immediately attacked me and so I ran out of
25 the bedroom, down the stairs, and out of the house to my car.

26 14. The entire time I was running out of the house and to the car, she was pounding on
27 me with her fists, jumping on my back, and attacking me trying to get the phone back. I kept telling
28 her to get away from me. As I ran down the narrow staircase of the house, she was pounding on me

1 so hard that the side of my head was slammed against the wall. Once I stepped outside the house,
2 she continued to follow me, screaming and attacking me. I had my arms up to protect myself. Once
3 I got to my truck and got in, she continued to pursue me and actually climbed in the driver's side of
4 the truck continuing to attack me and try and pull her phone out of the truck. I very slowly started to
5 back out to see if she would leave the truck. I did not want this aggressive encounter to continue any
6 longer and did not want her to hurt herself or the baby. Eventually, she jumped back out of the truck
7 and I was able to drive away.

8 15. We have security cameras on the exterior of the home in Hawaii. On July 7, 2019, I
9 contacted the security company for the Hawaii house to obtain footage from the time of the incident.
10 They informed me at that time that Laura had already been in contact with them about the footage. I
11 believe she was trying to have it deleted. I was able to obtain the security footage from the Hawaii
12 house to show the incident once I ran out of the house and Laura followed me, continuing to attack
13 me. (A true and correct copy of the security footage will be available for the Court's review at the
14 time of the hearing.)

15 16. After leaving the house, I was shaken up by this incident and very concerned for
16 Laura's mental and emotional well-being. I immediately called her friend and told her I was worried
17 about Laura and asked her to go to the house to check on her. I also texted Laura's father, Jeff, to let
18 her know I was worried about her.

19 17. Then, I called my friend Matt and asked that he take Laura's phone and drive it back
20 to the house and drop it off. He left the phone on the kitchen counter for Laura that same day.

21 18. I contacted Laura's friend, Noelle, that evening because Laura was not responding to
22 me. Noelle told me that Laura was with her and that she was fine. I made arrangements through
23 Noelle to see Ben the next day. Laura and Noelle brought Ben home so that I could spend time with
24 him before I had to fly to Los Angeles on July 8th for work. Laura agreed that we would all meet at
25 the house at 9:00 a.m. the next morning so that I could spend time with Ben.

26 19. On July 7, 2019, I arrived around 8:15 a.m. to the house with my friend Matt so I
27 could pack my things to go back to Los Angeles before Ben arrived. No one was at the house when
28 I arrived. Noelle texted me to let me know that Ben was sleeping late and they would not be at the

1 house on time. Ben had been struggling with a cold and was not sleeping well.

2 20. Laura, Noelle, and Ben arrived at the house at 11:30 a.m. I spent the next few hours
3 playing with Ben in the yard. I kissed him goodbye, told him I would see him soon in Los Angeles,
4 and left. While I was there, I did not say much to Laura and we did not discuss her attack of me
5 from the day before. There was no incident, it was a peaceful afternoon. I flew back to Los Angeles
6 the next day.

7 21. Three days later, Laura informed me on July 9, 2019, that she had called the police
8 and filed a police report. I have not seen the report and the police never contacted me.

9 **LAURA'S DISAPPEARANCE WITH OUR SON**

10 22. In the early morning of July 8, 2019, I received a text from Laura saying "I'm ready
11 to talk when you are. Thank you for giving me a little space. Please let me know when you're back
12 in LA safely and let's talk. I love you so much, Mike." (A true and correct copy of the text message
13 is attached hereto and marked as Exhibit "C".)

14 23. Laura texted me again on July 9th and then ceased all contact with me despite my
15 numerous attempts to speak to, FaceTime with, or see Ben. I have no idea where she or Ben are.

16 24. Before the events described above in July, the plan was for Ben, Laura and I to all fly
17 back to Los Angeles together on July 9th. I ended up changing my flight to July 8th due to a work
18 commitment. To my knowledge, Ben and Laura did not fly back to Los Angeles on July 9th and I
19 believe they have stayed in Hawaii this whole time.

20 25. It was also our plan for Ben to enroll in preschool at the Marine School in Malibu
21 which starts in August. I am reaching out to several schools to start the process of enrollment.

22 26. Despite trying to reach Laura via phone, text, and email, I have not received any
23 response. I do not believe that Laura and Ben are at my house in Hawaii anymore, but I have no
24 idea where they are. I am very concerned about Ben's safety and Laura's emotional state. I have
25 also reached out to Laura's parents to ask them to have Laura contact me. I have received no
26 response from either of them. I have not had any contact with our son in nine days. The last time I
27 saw or spoke to him was at the Hawaii house on July 7, 2019. Due to Laura's historical emotional
28 instability, I am concerned about her and our son while in her care. I want to make sure they are safe.

27. I filed a Petition for Dissolution of Marriage on July 10, 2019. I informed Laura before the filing since I knew it would be picked up in the press and wanted her to hear it from me first. Laura did not respond to me.

28. The first I have heard from Laura since July 9, 2019, is the letter from her attorney on July 15, 2019, giving ex parte notice for this hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 15 day of July, 2019, at Malibu, California.

MICHAEL L. FLEISS

07/17/2019

1:01

LTE



Laura >

Mon, Jul 1, 3:55 PM

Going to workout, honey

Hi honey

Sorry I missed you. I was talking to my mom in between when you called

Home now. Gonna rest a bit while Ava is still here until 3. I had a great session. Can't wait to tell you about it. This girl is really good.

And cool news about the nanny agency

Call me when you're done



iMessage



07/17/2019

1:01

LTE



Laura >

Call me when you're done

Fajitas for dinner!

Love you

Love you too, honey.

Closing my eyes for a bit before 3 when Ava leaves.

Let's hang at the beach this later afternoon! It's so beautiful

Sounds great

Mon, Jul 1, 6:07 PM



iMessage



07/17/2018

1:01

LTE



Laura >

so beautiful

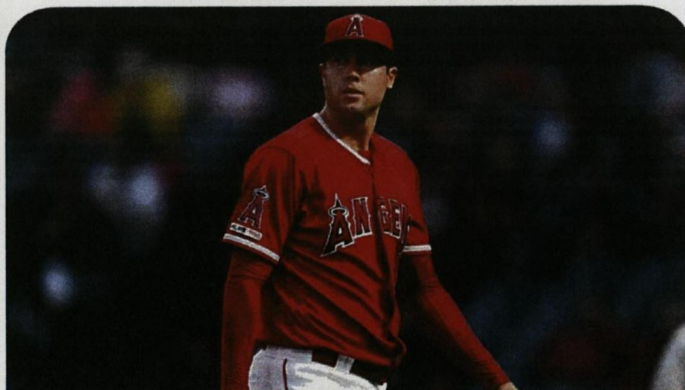
Sounds great

Mon, Jul 1, 6:07 PM

Where are ya honey

Heading home

Mon, Jul 1, 7:40 PM



Angels pitcher Tyler
Skaggs, 27, dies in Texas
espn.com



iMessage



07/17/2019

1:02

LTE



Laura >

Tue, Jul 2, 12:01 AM



iMessage



07/17/2019



Laura >



Tue, Jul 2, 11:51 AM

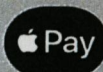
Where'd u guys go?

Tue, Jul 2, 3:35 PM

Realizing if my due date



iMessage



07/17/2019

1:02

LTE



Laura >

Tue, Jul 2, 3:35 PM

Realizing if my due date
is in Feb we will have a
birthday season of Feb,
March, April, May!
Wowza

I know

And our anniversary in
there too

Crazy

Love you honey

Love you

Tue, Jul 2, 5:24 PM

Going in for my annt



iMessage




07/17/2019

07/17/2019

EXHIBIT B

1:03

LTE 



Laura >

Ok

I love you, Mike. I know saying I'm sorry won't do much but please know that I know this was the worst decision of my life. And I know I'll pay for it in the most painful way. I'm so sorry.

Please give me a chance to make it right. I'm begging you.

Wed, Jul 3, 6:49 PM

Trying to imagine what that would look like



iMessage



07/17/2019



Laura >

Trying to imagine what that would look like

Honey, it could be what we always have. I love you and I messed up. In a horrible way. But that doesn't mean I don't love you and haven't loved you our entire marriage and 7 years together. I know it doesn't make any sense to say that I did this out of love for Ben, I don't have an explanation. My judgement was seriously clouded and I was so desperate for a baby after having the miscarriage that I lost it



iMessage





Laura >

...don't make any sense
to say that I did this out
of love for Ben, I don't
have an explanation. My
judgement was
seriously clouded and I
was so desperate for a
baby after having the
miscarriage that I lost it
and wasn't thinking
clearly. I wasn't thinking
about anyone but
myself. I've never been
dishonest to you about
anything in my life but
this. I swear on Ben. And
this is a big one. But I'm
pleading with you to
please give me and us a
chance to work through
this.



iMessage





Laura >

anything in my life but this. I swear on Ben. And this is a big one. But I'm pleading with you to please give me and us a chance to work through this.

Please come home. I miss you already and can't imagine my life without you.

I won't have the baby if it means keeping our family together. I will do anything to not lose you and Ben. I can't bear the thought of it.

Wed, Jul 3, 10:28 PM



iMessage



07/17/2019

1:04

LTE



Laura >

and Ben. I can't bear the thought of it.

Wed, Jul 3, 10:28 PM

I love you

Please come home

Thu, Jul 4, 9:01 AM

Mike, I can't eat or sleep. I'm sure you can't either. Please talk to me. I miss you so much and can't bare the though of losing you. Please let me make this right in our family. Please. I'm begging you. I love you and I know deep down you love me too. I'm so



iMessage



07/17/2019



Laura >

Mike, I can't eat or sleep. I'm sure you can't either. Please talk to me. I miss you so much and can't bare the thought of losing you. Please let me make this right in our family. Please. I'm begging you. I love you and I know deep down you love me, too. I'm so sorry. Please come home.

Please show me mercy. I've made a terrible mistake.

I just woke up. Feels like a nightmare. Still can't



iMessage





Laura >

mistake.

I just woke up. Feels like a nightmare. Still can't believe that the sweet girl I married could do something like this...

I can't believe I've done this, either. Please keep my mistake separate from who I really am. It was done out of blind desperation. I would do anything to reverse it.

I'm so sorry that I've hurt you so badly by violating your trust. I can't believe I've done this to you and our



iMessage



07/17/2019



Laura >

my mistake separate from who I really am. It was done out of blind desperation. I would do anything to reverse it.

I'm so sorry that I've hurt you so badly by violating your trust. I can't believe I've done this to you and our family. I just can't believe myself.

You have every right to feel the way you do. I'm so overwhelmed with regret and disbelief that I made such a poor, selfish decision.



iMessage



07/17/2019

1:05

LTE



Laura >

believe myself.

You have every right to feel the way you do. I'm so overwhelmed with regret and disbelief that I made such a poor, selfish decision.

Please let me earn your trust back. Slowly, day by day. I love you mike. I do not want to lose you. I'm so overwhelmed by what I've done. I don't know what to do.

Please come home

My remorse is physical. I keep gagging and



iMessage



07/17/2019



Laura >

I'm so overwhelmed by what I've done. I don't know what to do.

Please come home

My remorse is physical. I keep gagging and almost throwing up.

I look at Ben and feel so ashamed that I've done this to him.

Please let me work on myself and make this right. For you and for Ben.

Please

I'll go to rehab or get the



iMessage





Laura >

this to him.

Please let me work on myself and make this right. For you and for Ben.

Please

I'll go to rehab or get the counseling I need. I don't know how I could've done this when I feel like I'm an otherwise honest, good person.

Please give me a chance

Please come home Mike



iMessage





Laura >

Please

I'll go to rehab or get the counseling I need. I don't know how I could've done this when I feel like I'm an otherwise honest, good person.

Please give me a chance

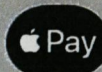
Please come home Mike

Please show me mercy and forgiveness and let me earn your trust back

I'm looking up emotional health rehab facilities. You are right about a lot



iMessage



07/17/2019



Laura >

chance

Please come home Mike

Please show me mercy
and forgiveness and let
me earn your trust back

I'm looking up emotional
health rehab facilities.
You are right about a lot
of what you said
yesterday. I do have a
void that I can't fill. I'm
damaged. I want to be a
better person. I don't
want to hurt the people I
love and care about
most in life.

Please talk to me and



iMessage



1:05

LTE



Laura >

most in me.

Please talk to me and
come home

Stick with your therapy
and be honest with your
therapist

I'll do whatever it takes
to make this up to you. If
it means going to an in-
house rehab facility, I
will.

I'm devastated and
overwhelmed with guilt,
anger at myself,
disbelief in myself. I
can't believe what I've
done.

I just want to make it up



iMessage



07/17/2019



Laura >

will.

I'm devastated and overwhelmed with guilt, anger at myself, disbelief in myself. I can't believe what I've done.

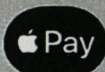
I just want to make it up to you and make it right. And earn your trust, each and every day. And be an honest, mature adult.

I've acted like a child to you for too long. I'm done. I want to be a better person, a better wife and better mother.

I'm begging you on my



iMessage





Laura >

better person, a better wife and better mother.

I'm begging you on my knees. Please show me love and mercy. Please. Please come home.

Most importantly, I want to be honest with myself. And face some of the feelings I have deep down. That I've stuffed away for a long time. Probably a lot from my childhood. Probably some of just who I am. But I can be better. I WANT to be better. I want to be the person you thought I was. And the person you want



iMessage





Laura >

myself. And face some of the feelings I have deep down. That I've stuffed away for a long time. Probably a lot from my childhood. Probably some of just who I am. But I can be better. I WANT to be better. I want to be the person you thought I was. And the person you want your wife to be.

The person you deserve

I don't want to come to hanalei. Don't want to see anybody. Why don't you bring Ben and Nina out here



iMessage



1:06

LTE



Laura >

you thought I was. And
the person you want
your wife to be.

The person you deserve

I don't want to come to
hanalei. Don't want to
see anybody. Why don't
you bring Ben and Nina
out here

Ok. I'll get Ben changed
and leave soon.

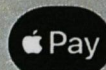
On our way

Fri, Jul 5, 11:41 AM

Mike, I love you so
much. I love you more
than I've ever loved you.



iMessage



07/17/2019



Laura >

Fri, Jul 5, 11:41 AM

Mike, I love you so much. I love you more than I've ever loved you. You've shown me true, unconditional love, forgiveness and compassion like I've never known. I'm certainly not worthy of all you've shown me in the last few days, but I want you to know that I am forever indebted and grateful to you. I will make this up to you for the rest of my life. This is my big lesson and regret in life. We all have them. Life is hard and



iMessage





Laura >

them. Life is hard and crisis happen. But it's how you change after them that counts. And I promise you, with every ounce of who I am, that I am going to do the hard work on myself to make myself the person I want to be and the wife you deserve and ultimately the mom Ben deserves. Thank you for loving me and believing in me during a time you certainly don't have to. I love you more than ever. It makes me sick to think I've hurt you and so many people in the way that I have. It will be



iMessage





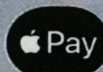
Laura >

deserve and ultimately the mom Ben deserves. Thank you for loving me and believing in me during a time you certainly don't have to. I love you more than ever. It makes me sick to think I've hurt you and so many people in the way that I have. It will be what I live with for the rest of my life. But the second chance you are giving me is the greatest form of love. From the bottom of my broken, twisted heart, thank you.

Fri, Jul 5, 1:39 PM



iMessage



07/17/2019

07/17/2019

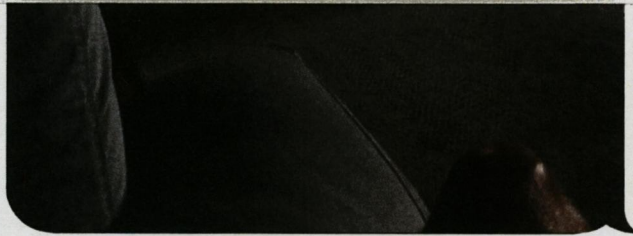
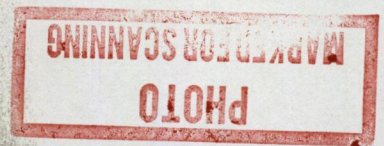
EXHIBIT C

1:10

LTE



Laura >



Please

I love u

iMessage

Mon, Jul 8, 1:23 AM

I'm ready to talk when you are. Thank you for giving me a little space. Please let me know when you're back in LA safely and let's talk. I love you so much, Mike.

Mon, Jul 8, 9:06 PM

Back in Los Angeles



iMessage



07/17/2019